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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	08/487,312	
	Filing Date	June 7, 1995	
	First Named Inventor	Walter L. MILLER	
	Art Unit	1646	
	Examiner Name	C. Saoud	
Total Number of Pages in This Submission	200	Attorney Docket Number	220002016004

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (Submission in Re-Opened Prosecution -15 pp) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of Charles R. Mahla (with 4 attachments) (total 22 pages) Declaration of Robert B. Petersen, Ph.D. (total 23 pages) (continued in Remarks)
<b>Remarks</b>  <b>Customer No. 25225</b>  Declaration of Raymond Bradley (13 pages) Copy of U.S. Patent 5,618,789 (55 pages) Exhibits A through H (total 71 pages) Return Receipt Postcard		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959
Signature	<i>Kate H. Murashige</i>
Date	March 26, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 984097703 US, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 26, 2004

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Dated: 3-26-04 Signature: Marian Christopher  
(Marian Christopher)

Docket No.: 220002016004  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Walter L. MILLER, et al.

Application No.: 08/487,312

Filed: 7 June 1995

For: BOVINE GROWTH HORMONE

Art Unit: 1646

Examiner: C. Saoud

**SUBMISSION IN RE-OPENED PROSECUTION**

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants greatly appreciate the decision on the Petition to Re-Open Prosecution herein permitting Applicants to submit additional evidence of commercial success and withdrawing the finality of the Office action dated 16 October 1996. A response due date of 26 March 2004 was set, and thus, this response is timely filed. Reconsideration and allowance of the pending claims in light of the evidence below is respectfully requested.

This response includes:

1. The Declaration of Charles R. Mahla and Exhibits 1-4 attached thereto;
2. The Declaration of Dr. Robert B. Petersen and attached *curriculum vitae*;

3. The Declaration of Raymond Bradley and attached list of references;
4. A copy of U.S. patent 5,618,789 issued 8 April 1997;
5. The following Exhibits:

- Exhibit A: Wood et al., Purification and Characterization of Pituitary Bovine Somatotropin, *J. Biol. Chem.* 264:14741 (1989).
- Exhibit B: Leung et al., Purification and Physiochemical Properties of a Recombinant Bovine Growth Hormone Produced by Cultured Murine Fibroblasts, *Endocrinol.* 119:1489 (1985).
- Exhibit C: Johnson et al., Formation of Isoaspartate at Two Distinct Sites during In Vitro Aging of Growth Hormone, *J. Biol. Chem.* 264:14262-71 (1989).
- Exhibit D: Bell et al., Crystallization and Preliminary X-ray Characterization of Bovine Growth Hormone, *J. Biol. Chem.* 260:8520 (1985).
- Exhibit E: Eppard et al., Comparison of the galactopoietic response to pituitary-derived and recombinant-derived variants of bovine growth hormone, *J. Endocrinol.* 132:47 (1992).
- Exhibit F: Hart et al., A comparison of the growth-promoting, lipolytic, diabetogenic, and immunological properties of pituitary and recombinant-DND-derived bovine growth hormone (somatotropin), *Biochem. J.* 224:93 (1984).
- Exhibit G: Hart et al., The heterogeneity of bovine growth hormone: Extraction from the pituitary of components with different biological and immunological properties, *Biochem J.* 218:573-581 (1984).
- Exhibit H: Bauman et al., Response of high-producing dairy cows to long-term treatment with pituitary somatotropin and recombinant somatotropin, *J. Dairy Sci.* 68:1352 (1985).